



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, NY 10007*

November 17, 2020

BY ECF

MEMORANDUM ENDORSEMENT

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Starr v. Comm'r of Soc. Sec.*, No. 20-cv-4484 (PAE) (GWG)

Dear Judge Gorenstein:

This Office represents the Commissioner of Social Security (the “Commissioner”), the defendant in this action brought pursuant to 42 U.S.C. § 405(g), in which the plaintiff appeals the Commissioner’s decision to deny his application for Social Security disability benefits.

I respectfully write to request, with the plaintiff’s consent, a 60-day extension, *nunc pro tunc*, of time for the Commissioner to file the certified administrative record in this case, from November 16, 2020, to January 15, 2021, which will yield the following extended deadlines pursuant to the Standing Order In Re Motions for Judgment on the Pleadings in Social Security Cases (Dkt. No. 4):

<u>Filing</u>	<u>Deadline</u>
Plaintiff’s Motion for Judgment on the Pleadings	March 16, 2021
Commissioner’s Cross-Motion for Judgment on the Pleadings	May 17, 2021
Plaintiff’s Reply, if any	June 7, 2021

The extension is necessary because of delays in preparing the certified administrative record due to temporary workplace changes implemented by the Social Security Administration’s Office of Appellate Operations (“OAO”) in response to the COVID-19 pandemic. These changes have significantly impacted the operations of the OAO and materially affected its ability to prepare certified administrative records, which require obtaining transcriptions of hearing recordings from private contractors. As described in the attached Declaration of Jebby Rasputnis, dated September 11, 2020, the OAO redesigned its processes to

allow for a mostly virtual process for preparing certified administrative records, which required the OAO to modify and test technology, retrain staff, and modify blanket purchasing agreements with the agency's transcription typing services. The OAO has been able to increase production of certified administrative records and expects that it will soon be able to surpass pre-pandemic production rates, but the delays have caused a significant backlog that continues to impact the OAO's efforts to produce certified administrative records in pending district court cases.

As a result, additional time is needed to prepare the certified administrative record in this case, and I respectfully request that the Court grant an additional 60-day extension of time to file the certified administrative record. The plaintiff consents to this request for an extension, and this is the Commissioner's second request for an extension in this case. The Court previously granted the Commissioner's request for a 60-day extension of time to file the certified administrative record. (Dkt. No. 13.)

I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS
Acting United States Attorney

/s/ Amanda F. Parsels

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cc: Josephine Gottesman (by ECF)
Attorney for Plaintiff

Application granted.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge
November 17, 2020